

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

IN RE:)	
)	
TIMOTHY E. CLIGGOTT,)	Case No. 17-12248-BFK
)	Chapter 11
Debtor.)	
_____)	
BILL LEMASTER)	
DIANE L. LEMASTER,)	
)	
Movants,)	
)	
v.)	
)	
TIMOTHY E. CLIGGOTT,)	
)	
Respondent.)	

MOTION FOR EXPEDITED HEARING
ON MOVANT'S MOTION FOR RELIEF FROM STAY
PURSUANT TO 11 U.S.C. §362(d)(1), (2)(A), (B), (4)(B)

Movants, Bill LeMaster and Diane L. LeMaster (“the LeMasters”), by counsel, pursuant to Local Rule 9013-1(N), states the following in support of their Motion for Expedited Hearing to consider the LeMasters’ Motion for Relief from Stay Pursuant to 11 U.S.C. §362(d)(1), (2)(A), (B), (4)(B).

1. On June 29, 2017, Timothy E. Cliggott, Debtor (“Debtor”) filed a voluntary, minimum requirements Chapter 11 petition in the U.S. Bankruptcy Court for the Eastern District of Virginia, Alexandria Division, Case No. 17-12248-BFK (“the 2017 case”). This is the Debtor’s second bankruptcy case.

2. The Debtor's first bankruptcy case was filed as a Chapter 11 but was converted to a Chapter 7 case, Case No. 15-12929-BFK ("the 2015 case"). Relief from the stay was granted on August 23, 2016 to permit the LeMasters to foreclose on real property known as 12849 LeMaster Drive, Nokesville, Virginia 20181 and 12951 LeMaster Drive, Nokesville, Virginia 20181 ("the Property").

3. The 2017 case was filed June 29, 2017 by the Debtor to stop a foreclosure on the Property by the LeMasters which was scheduled for the following day, June 30, 2017.

4. Upon information and belief, Debtor's counsel, who was also counsel in the 2015 case, had knowledge of the Debtor's Schedules and Statements in that case, and was aware of the foreclosure date by June 15, 2017. Debtor's counsel had fourteen (14) days to file a complete Chapter 11 filing, including Lists, Schedules and Statements and did not.

5. Completion of case filings were due on July 13, 2017 and were not filed.

6. Instead, on July 13, 2017, Debtor, by counsel filed a Motion to Extend Time to File Lists, Schedules and Statements until August 9, 2017.

7. The Court's next Motion's Day is August 16, 2017. The LeMasters request this Honorable Court grant them an expedited hearing as soon as possible as this is a bad faith filing.

WHEREFORE, Movants, Bill LeMaster and Diane L. LeMaster request that this Honorable Court grant their Motion for Expedited Hearing to consider the LeMasters' Motion for Relief from Stay Pursuant to 11 U.S.C. §362(d)(1), (2)(A), (B), (4)(B) against the Debtor, Timothy E. Cliggott and *in rem* relief as to the Property located at 12849 LeMaster Drive, Nokesville, Virginia 20181 and 12951 LeMaster Drive, Nokesville, Virginia 20181 and schedule an expedited hearing at the Court's earliest date.

BILL LEMASTER
DIANE L. LEMASTER
By Counsel

LAW OFFICE OF JOHN T. DONELAN

/s/ John T. Donelan
JOHN T. DONELAN, ESQUIRE
Virginia State Bar No. 18049
125 South Royal Street
Alexandria, Virginia 22314
Tel: 703-684-7555
Fax: 703-684-0981
Counsel for Bill LeMaster and Diane L. LeMaster

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of July, 2017 a true copy of the foregoing Motion for Expedited Hearing on Motion for Relief from Stay Pursuant to 11 U.S.C. §362(d)(1), (2)(A), (B), (4)(B) was sent electronically using the CM/ECF system which will send notification to the following parties:

Daniel M. Press, Esquire
Chung & Press, P.C.
6718 Whittier Avenue, Suite 200
McLean, Virginia 22101

Judy A. Robbins, U.S. Trustee
Office of the United States Trustee
115 S. Union Street, Suite 210
Alexandria, VA 22314

Jack I. Frankel, Esquire
Office of the United States Trustee
115 S. Union Street, Suite 210
Alexandria, VA 22314

/s/ John T. Donelan
JOHN T. DONELAN